

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

NOE ADALBERTO SILVA, ET AL.,

Plaintiffs,

v.

SAN PABLO POLICE DEPARTMENT, et
al.,

Defendants.

Case No. 16-cv-04360-VC

**ORDER GRANTING MOTION TO
SET ASIDE COSTS**

Re: Dkt. Nos. 107, 108

Silva's motion to set aside the award of costs is granted. *See Ass'n of Mexican-American Educators v. California*, 231 F.3d 572, 591 (9th Cir. 2000) (holding that Federal Rule of Civil Procedure 54(d)(1) "creates a presumption in favor of awarding costs to a prevailing party, but vests in the district court discretion to refuse to award costs"). In light of Silva's financial status, the economic disparity between the parties, and the merit underlying Silva's constitutional claims, it is appropriate to deny costs to San Pablo. *See id.* at 591-93.

IT IS SO ORDERED.

Dated: November 1, 2018



VINCE CHHABRIA
United States District Judge